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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

#8

12-12-02

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IN RE APPLICATION OF:

:

Kanefumi NAKAHARA, et al.

: EXAMINER: KIM, P

SERIAL NO: 09/935,734

:

FILED: AUGUST 24, 2001

: GROUP: 2851

FOR: EXPOSURE APPARATUS, LITHOGRAPHY SYSTEM
AND CONVEYING METHOD, AND DEVICE
MANUFACTURING METHOD AND DEVICE

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RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

SIR:

In response to the Restriction Requirement stated in the Official Action dated November 6, 2002, and the Interview Summary of the telephonic interview conducted December 3, 2002, Applicants provisionally elect Group (Invention) I, Claims 1-105 and 111-115, drawn to an exposure apparatus and a lithography system.

Applicants respectfully traverse the outstanding Restriction Requirement for several grounds.

First, the outstanding Office Action simply states that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, "the combination as claimed does not require the particulars of the subcombinations as claimed because the method of transport other than the method of Group II can be utilized in the exposure apparatus and lithography system of Group I" and because

"[t]he subcombination has separate utility which is not limited to the use with the exposure apparatus and lithography system of Group I." However, without further information, such findings lack grounds upon which it can be evaluated whether in fact the requirements under PCT Rule 13.2 are satisfied.

Furthermore, MPEP § 803 states the following:

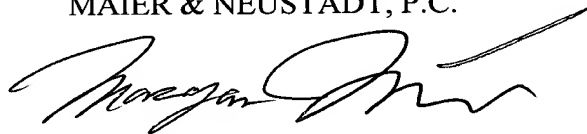
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claims 1, 17, 29, 37, and 111 are directed to an exposure apparatus and Claims 48, 77, 90 and 100 are directed to a lithography system, while Claims 106 and 116 are directed to a transport method. Hence, it appears that the claims in the present application are part of an overlapping search area and that a search for Claims 1-105 and 111-115 would necessarily include the class and subclass required for a search directed to the rest of the claims as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP § 803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-120 be conducted.

Respectfully submitted,

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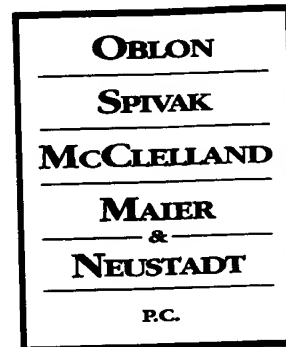
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Docket No.: 213345US2CONT

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RE: Application Serial No.: 09/935,734

Applicants: Kanefumi NAKAHARA, et al.

Filing Date: August 24, 2001

For: EXPOSURE APPARATUS, LITHOGRAPHY
SYSTEM AND CONVEYING METHOD, AND
DEVICE MANUFACTURING METHOD AND
DEVICE

Group Art Unit: 2851

Examiner: KIM, P

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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